

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARLENE J. DELGADO,

Plaintiff,

v.

DONALD J. TRUMP FOR PRESIDENT, INC.,  
*et al.*,

Defendants.

Case No. 19-cv-11764 (AT) (KHP)

**DECLARATION OF JEFFREY S. GAVENMAN  
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

JEFFREY S. GAVENMAN, an attorney admitted to practice law in the State of New York, declares and says:

1. I am a member of the law firm Schulman Bhattacharya, LLC, and am counsel for Defendants Donald J. Trump For President, Inc. (the "Campaign"), Sean Spicer, and Reince Priebus (collectively, the "Defendants") in the above-captioned case. I am personally familiar with the facts and circumstances set forth herein based upon the contents of the case file maintained by my office for this case and in my capacity as counsel for Defendants. I offer this declaration in support of Defendants' motion for summary judgment.

2. A true and correct copy of Plaintiff Arlene Delgado's deposition transcript, dated June 15, 2023, is attached hereto as Exhibit 1.

3. A true and correct copy of the deposition transcript of Jesse Binnall, dated March 21, 2024, is attached hereto as Exhibit 2.

4. A true and correct copy of the deposition transcript of Kellyanne Conway, dated May 2, 2024, is attached hereto as Exhibit 3.

5. A true and correct copy of the deposition transcript of Reince Priebus, dated February 8, 2024, is attached hereto as Exhibit 4.

6. A true and correct copy of the deposition transcript of Eric Trump, dated March 13, 2024, is attached hereto as Exhibit 5.

7. A true and correct copy of part one of the deposition transcript of Bradley Parscale, dated April 12, 2024, is attached hereto as Exhibit 6.

8. A true and correct copy of part two of the deposition transcript of Bradley Parscale, dated May 7, 2024, is attached hereto as Exhibit 7.

9. A true and correct copy of the deposition transcript of Sean Spicer, dated July 17, 2023, is attached hereto as Exhibit 8.

10. A true and correct copy of an e-mail from Jessica Ditto to Reince Priebus and others dated December 12, 2016, is attached hereto as Exhibit 9 and Bates labeled DEF-00000310–DEF-00000316.

11. A true and correct copy of a Consulting Agreement, by and between Donald J. Trump for President, Inc. and Arlene Delgado as an independent contractor, dated in September 2016, is attached hereto as Exhibit 10 and Bates labeled P000451-P000453.

12. A true and correct copy of e-mail communications between Arlene Delgado and Presidential Transition Team staff dated November 15, 2016 is attached hereto as Exhibit 11 and Bates labeled DEF-00001759-DEF-00001760.

13. A true and correct copy of Arlene Delgado's White House Complex Security Pass Application to the Department of Homeland Security is attached hereto as Exhibit 12 and Bates labeled DEF-00001761.

14. A true and correct copy of an e-mail communication between Arlene Delgado and Presidential Transition Team staff dated December 5, 2016 is attached hereto as Exhibit 13 and Bates labeled DEF-00001685-DEF-00001689.

15. A true and correct copy of an e-mail communication between Arlene Delgado, Alexa Henning and Jason Miller, dated December 17, 2016, is attached hereto as Exhibit 14 and Bates labeled DEF-00000842.

16. A true and correct copy of e-mail correspondence among Arlene Delgado, Steve Bannon, Jason Miller, and Kellyanne Conway, wherein Arlene Delgado informed employees of the Campaign other than Jason Miller about her pregnancy, dated December 20-21, 2016, is attached hereto as Exhibit 15 and Bates labeled DEF-00000840-DEF-00000841.

17. A true and correct copy of an ABC News article, dated December 22, 2016, is attached hereto as Exhibit 16. This article can be found at <https://abcnews.go.com/Politics/trump-announces-press-secretary-communications-director/story?id=44351996> and was last accessed on September 20, 2024.

18. A true and correct copy of a series of tweets sent by Arelene Delgado on or about December 22, 2024, is attached hereto as Exhibit 17 and Bates labeled DEF-002933.

19. A true and correct copy of a series of tweets sent by Arelene Delgado on or about December 24, 2024, is attached hereto as Exhibit 18 and Bates labeled DEF-002934.

20. A true and correct copy of an e-mail chain between Arlene Delgado, Steve Bannon and Sean Spicer, dated between December 23, 2016, and December 28, 2016, is attached hereto as Exhibit 19 and Bates labeled P00001-P0005.

21. A true and correct copy of an NBC News Article, dated December 24, 2016, is attached hereto as Exhibit 20. This article can be found at <https://www.nbcnews.com/politics/politics->

[news/trump-adviser-jason-miller-turns-down-future-white-house-communications-n699866](#) and was last accessed on September 20, 2024.

22. A true and correct copy of an e-mail chain between Arlene Delgado and Rick Dearborn, dated January 6, 2017, is attached hereto as Exhibit 21 and Bates labeled DEF-00001542-DEF-00001543.

23. A true and correct copy of an e-mail correspondence between Arlene Delgado, Steve Bannon and Jason Miller, dated December 20, 2016, is attached hereto as Exhibit 22 and Bates labeled P000014.

24. A true and correct copy of a text message transcript between Arlene Delgado and Sean Spicer, beginning on December 6, 2016 is attached hereto as Exhibit 23 and Bates labeled P000271-P000312.

25. A true and correct copy of an e-mail newsletter from Bulletin Intelligence dated December 27, 2016 is attached hereto as Exhibit 24 and Bates labeled TFA\_DG\_00002569-TFA\_DG\_00002596.

26. A true and correct copy of an e-mail newsletter from Politico dated December 26, 2016 is attached hereto as Exhibit 25 and Bates labeled TFA\_DG\_00007397-TFA\_DG\_00007404.

27. A true and correct copy of an e-mail newsletter from the RNC War room dated December 26, 2016 is attached hereto as Exhibit 26 and Bates labeled TFA\_DG\_00010663-TFA\_DG\_00010668.

28. A true and correct copy of a Google News Alert dated December 27, 2016 is attached hereto as Exhibit 27 and Bates labeled TFA\_DG\_00012999.

29. A true and correct copy of e-mail correspondence from Hope Hicks to Jason Miller dated October 25, 2016 is attached hereto as Exhibits 28 and Bates labeled DEF-00000022.

30. A true and correct copy of e-mail correspondence from Hope Hicks to Sean Spicer dated December 14, 2016 is attached hereto as Exhibits 29 and Bates labeled DEF-00001896-DEF-00001897.

31. A true and correct copy of e-mail correspondence from Hope Hicks to Arlene Delgado dated October 25, 2016 is attached hereto as Exhibits 30 and Bates labeled DEF-00001906-DEF-00001908.

32. A true and correct copy of an e-mail correspondence from Bryan Lanza and Jason Miller dated November 6, 2016, is attached hereto as Exhibit 31 and Bates labeled DEF-00000621-DEF-00000622.

33. A true and correct copy of an e-mail correspondence from Arlene Delgado to Alexa Henning, dated October 26, 2016, is attached hereto as Exhibit 32 and Bates labeled DEF-00000016.

34. A true and correct copy of an e-mail chain between Kaelan Dorr, Jason Miller and Arlene Delgado, dated September 24, 2016, is attached hereto as Exhibit 33 and Bates labeled DEF-00000099.

35. A true and correct copy of an e-mail chain between Kaelan Dorr, Jason Miller and Arlene Delgado, dated December 6, 2016, is attached hereto as Exhibit 34 and Bates labeled DEF-00000438.

36. A true and correct copy of an e-mail chain between Kaelan Dorr, Jason Miller, Jared Smith and Arlene Delgado, dated November 15, 2016, is attached hereto as Exhibit 35 and Bates labeled DEF-00000608-DEF-00000609.

37. A true and correct copy of an e-mail chain between Bryan Lanza, Jason Miller and Susan Wiles, dated October 31, 2016, is attached hereto as Exhibit 36 and Bates labeled DEF-00000624.

38. A true and correct copy of e-mail correspondence from Jessica Denson to Jeff DeWitt and others dated October 3, 2016 is attached hereto as Exhibits 37 and Bates labeled DEF-002535.

39. A true and correct copy of e-mail correspondence from Jessica Denson to Steve Bannon dated September 29, 2016 and others is attached hereto as Exhibits 38 and Bates labeled DEF-00001972-DEF-00001973.

40. A true and correct copy of an email correspondence sent from Kaelan Dorr to Jason Miller and others dated September 22, 2016 is attached hereto as Exhibit 39 and Bates labeled DEF-00000105.

41. A true and correct copy of a screenshot of the tweet by username “@Jesseslaw” as referenced in an email correspondence sent from Kaelan Dorr to Jason Miller and others dated September 22, 2016, is attached hereto as Exhibit 40 and Bates labeled DEF-002935.

42. A true and correct copy of an e-mail exchange between Kaelan Dorr and Jessica Ditto, dated November 15, 2016, is attached hereto as Exhibit 41 and Bates labeled DEF-00001928-DEF-00001929.

43. A true and correct copy of an email correspondence from Kaelan Dorr to Jason Miller, dated September 12, 2016, is attached hereto as Exhibit 42 and Bates labeled DEF-00000159-DEF-00000162.

44. A true and correct copy of a Newsweek Article titled “Trump Campaign to Sue Ex-White House Aide Cliff Sims for Violating NDA, Despite President Saying Book is ‘Fiction’”, is attached hereto as Exhibit 43. The article can be found at <https://www.newsweek.com/donald-trump-campaign-sue-cliff-sims-1309410d> and was last accessed on September 20, 2024.

45. A true and correct copy of an email chain from Arlene Delgado and Daniel Kirschbaum dated November 12, 2017, are attached hereto as Exhibit 44 and Bates labeled P000148-P000165.

46. A true and correct copy of a redlined settlement agreement and associated documents, dated on or about July 10, 2017, together with e-mail correspondence regarding the same, is attached hereto as Exhibit 45 and Bates labeled P000166-P000190.

47. A true and correct copy of a draft settlement agreement dated on June 7, 2017, is attached hereto as Exhibit 46 and Bates labeled P000191-P000214.

48. A true and correct copy of Exhibit 6 to the deposition of Eric Trump, dated March 13, 2024, is attached hereto as Exhibit 47 and Bates labeled DEF-002936.

49. A true and correct copy of Exhibit 4 to the deposition of Eric Trump, dated March 13, 2024, is attached hereto as Exhibit 48 and Bates labeled DEF-002937.

50. A true and correct copy of Exhibit 7 to the deposition of Eric Trump, dated March 13, 2024, is attached hereto as Exhibit 49 and Bates labeled 002938.

51. A true and correct copy of a revised settlement agreement and associated documents, dated on or about July 10, 2017, is attached hereto as Exhibit 50 and Bates labeled DEF-00002047-DEF-00002056.

52. A true and correct copy of an e-mail correspondence from Alexa Henning to Jason Miller, dated November 28, 2016, is attached hereto as Exhibit 51 and Bates labeled DEF-00000490.

53. A true and correct copy of a Forbes Business Article titled “Trump NDAs Scrapped: Hundreds of 2016 Campaign Staffers Can Now Publicly Criticize Him As Court Finalizes Settlement,” dated October 12, 2023, is attached hereto as Exhibit 52. The article can be found at <https://www.forbes.com/sites/alisondurkee/2023/10/12/trump-ndas-scrapped-hundreds-of-2016-campaign-staffers-can-now-publicly-criticize-him-as-court-finalizes-settlement/> and was last accessed on September 20, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 20, 2024

/s/ Jeffrey S. Gavenman  
Jeffrey S. Gavenman